

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LANDMEN PARTNERS INC., Individually )  
And On Behalf of All Others Similarly )  
Situated, ) Civil Action No. 08-CV-03601 - CM  
Plaintiff, )  
vs. )  
THE BLACKSTONE GROUP L.P., )  
STEPHEN A. SCHWARZMAN and )  
MICHAEL A. PUGLISI, )  
Defendants. )  
)  
TIMOTHY McADAM, Individually And )  
On Behalf of All Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 08-CV-03838 - CM  
vs. )  
THE BLACKSTONE GROUP L.P., )  
STEPHEN A. SCHWARZMAN and )  
MICHAEL A. PUGLISI, )  
Defendants. )  
)  
[caption continued on next page] )

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**DECLARATION OF DAVID A.P. BROWER IN SUPPORT OF THE MOTION  
OF THE BX INVESTOR GROUP TO CONSOLIDATE RELATED ACTIONS; TO  
BE APPOINTED LEAD PLAINTIFF; AND TO APPROVE PROPOSED LEAD  
PLAINTIFF'S CHOICE OF COUNSEL**

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DAVID B. GALCHUTT, Individually And On )  
Behalf of All Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 08-CV-04110 - CM  
vs. )  
THE BLACKSTONE GROUP L.P., )  
STEPHEN A. SCHWARZMAN and )  
MICHAEL A. PUGLISI, )  
Defendants. )  
DAVID W. JAKEMAN, Individually And )  
On Behalf of All Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 08-CV-04064 - CM  
vs. )  
THE BLACKSTONE GROUP L.P., )  
STEPHEN A. SCHWARZMAN and )  
MICHAEL A. PUGLISI, )  
Defendants. )

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I, David A.P. Brower, hereby declare as follows:

1. I am over 18 years of age and am competent to testify to the matters and facts hereinafter set forth. I am a principal of the law firm of Brower Piven, A Professional Corporation.
2. I am counsel for Lead Plaintiff movant, the BX Investor Group. I submit this Declaration in support of the BX Investor Group's motion: (1) to consolidate, pursuant to Fed. R. Civ. P. 42, the various related securities class actions filed against

The Blackstone Group L.P.<sup>1</sup> (“Blackstone” or the “Company”) and other Defendants (collectively the “Action”); to appoint the BX Investor Group as Lead Plaintiff pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77z-1(a)(3)(B) as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PLSRA”); and (3) to approve its selection of Brower Piven, A Professional Corporation, as Lead Counsel to represent the Class in the Action.

3. Attached hereto collectively as Exhibit A are true and correct copies of sworn shareholder certifications of Francis Brady and Max Poulter (collectively, the “BX Investor Group”).

4. Attached hereto as Exhibit B is a true and correct copy of a table reflecting the calculated losses incurred by the members of the BX Investor Group as a result of their transactions in Blackstone securities.

5. Attached hereto collectively as Exhibit C are true and correct copies of individually signed Declarations by the two members of the BX Investor Group.

6. Attached hereto as Exhibit D is a true and correct copy of the press release published on April 15, 2008, on *Business Wire*, a well-known, national business-oriented publication, announcing the pendency of the lawsuit commenced by *Landmen Partners, Inc.* against defendants herein.

7. Attached hereto as Exhibit E is a true and correct copy of the firm resume of Brower Piven, A Professional Corporation.

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<sup>1</sup> The related securities fraud class actions in this Court include the following cases: *Landmen Partners, Inc., et al. v. The Blackstone Group, L.P., et al.*, 1:08-cv-03601-CM (S.D.N.Y.); *McAdam et al. v. The Blackstone Group, L.P. et al.*, 1:08-cv-03838-CM (S.D.N.Y.); *Jakeman v. The Blackstone Group L.P. et al.*, 1:08-cv-04064-CM (S.D.N.Y.); and *Galchutt et al. v. The Blackstone Group L.P. et al.*, 1:08-cv-04110-CM (S.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 16<sup>th</sup> day of June, 2008.

/s/ David A.P. Brower  
David A.P. Brower

## **EXHIBIT A**

**PLAINTIFF'S CERTIFICATION**

*Francis Brady*

(“Plaintiff”) declares that:

1. Plaintiff has reviewed the complaint and authorized its filing.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in The Blackstone Group L.P. securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 11 day of June 2008.

*Francis Brady*  
Signature

Brower Piven, A Professional Corporation  
The World Trade Center-Baltimore  
401 East Pratt Street, Suite 2525  
Baltimore, Maryland 21202  
Telephone: 410-332-0030  
Facsimile: 410-685-1300  
[www.browerpiven.com](http://www.browerpiven.com)

Francis Brady  
The Blackstone Group L.P. Securities Litigation  
Schedule of Transactions

Date	Type	Shares	Price
6/22/2007	BUY	7,166	36.6025
6/22/2007	BUY	1,000	36.5420
7/6/2007	BUY	1,000	31.0000
7/20/2007	SELL	7,166	26.9972
8/14/2007	BUY	700	26.0000
10/9/2007	BUY	570	28.4900
11/5/2007	SELL	1,270	23.6682
11/9/2007	BUY	500	23.8000
11/13/2007	SELL	500	22.2713
12/12/2007	BUY	1,000	23.7000
12/17/2007	BUY	700	23.5028
12/18/2007	BUY	200	23.1500
12/31/2007	BUY	1,000	21.7700
1/3/2008	BUY	400	21.6900
1/10/2008	SELL	500	18.1214
4/11/2008	BUY	32	18.2800

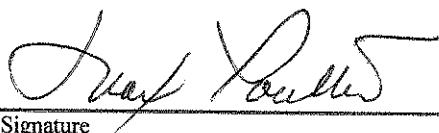
**PLAINTIFF'S CERTIFICATION**

MAX POUETER

("Plaintiff") declares that:

1. Plaintiff has reviewed the complaint and authorized its filing.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in The Blackstone Group L.P. securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8<sup>th</sup> day of May 2008.

  
\_\_\_\_\_  
Signature

Brower Piven, A Professional Corporation  
The World Trade Center-Baltimore  
401 East Pratt Street, Suite 2525  
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**Max Poulter**  
**The Blackstone Group L.P. Securities Litigation**  
**Schedule of Transactions**

Date	Type	Shares	Price
9/14/2007	BUY	300	\$23.3900
9/14/2007	BUY	300	\$23.3900
9/14/2007	BUY	300	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	200	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	200	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	200	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	200	\$23.4000
9/14/2007	BUY	100	\$23.4000
9/14/2007	BUY	200	\$23.4200
9/14/2007	BUY	100	\$23.4200
9/14/2007	BUY	300	\$23.4200
9/14/2007	BUY	100	\$23.4200
9/14/2007	BUY	100	\$23.4200
9/14/2007	BUY	200	\$23.4200
9/14/2007	BUY	300	\$23.5133
9/14/2007	BUY	700	\$23.5557
9/14/2007	BUY	200	\$23.5700
9/14/2007	BUY	200	\$23.5700
9/14/2007	BUY	300	\$23.6233
9/14/2007	BUY	300	\$23.6233
9/14/2007	BUY	300	\$23.6258
9/14/2007	BUY	500	\$23.6700
9/14/2007	BUY	500	\$23.6869
9/14/2007	BUY	200	\$23.7400
9/14/2007	BUY	500	\$23.7400
9/14/2007	BUY	300	\$23.7400

9/14/2007	BUY	100	\$23.7400
9/14/2007	BUY	200	\$23.7400
9/14/2007	BUY	100	\$23.7400
9/14/2007	BUY	200	\$23.7400
9/14/2007	BUY	100	\$23.7400
9/14/2007	BUY	200	\$23.7437
9/14/2007	BUY	300	\$23.7437
9/14/2007	BUY	100	\$23.7437
9/14/2007	BUY	300	\$23.7437
9/14/2007	BUY	100	\$23.7437
9/14/2007	BUY	100	\$23.7437
9/14/2007	BUY	200	\$23.7437
9/17/2007	BUY	40	\$24.1493
9/17/2007	BUY	223	\$24.1493
9/17/2007	BUY	500	\$24.1494
9/17/2007	BUY	500	\$24.1494
9/17/2007	BUY	300	\$24.1494
9/17/2007	BUY	300	\$24.1494
9/17/2007	BUY	400	\$24.1494
9/17/2007	BUY	100	\$24.1494
9/17/2007	BUY	500	\$24.1800
9/17/2007	BUY	500	\$24.1840
9/17/2007	BUY	200	\$24.1900
9/17/2007	BUY	300	\$24.1900
9/17/2007	BUY	300	\$24.1900
9/17/2007	BUY	300	\$24.2017
9/17/2007	BUY	500	\$24.2100
9/17/2007	BUY	300	\$24.2100
9/17/2007	BUY	1	\$24.2100
9/17/2007	BUY	300	\$24.2100
9/17/2007	BUY	100	\$24.2179
9/17/2007	BUY	499	\$24.2190
9/17/2007	BUY	300	\$24.2200
9/17/2007	BUY	500	\$24.2200
9/17/2007	BUY	100	\$24.2200
9/17/2007	BUY	100	\$24.2200
9/17/2007	BUY	200	\$24.2200
9/17/2007	BUY	200	\$24.2200
9/17/2007	BUY	300	\$24.2200
9/17/2007	BUY	200	\$24.2200
9/17/2007	BUY	100	\$24.2200
9/17/2007	BUY	100	\$24.2200

9/17/2007	BUY	200	\$24.2200
9/17/2007	BUY	200	\$24.2225
9/17/2007	BUY	300	\$24.2286
9/17/2007	BUY	200	\$24.2300
9/17/2007	BUY	300	\$24.2300
9/17/2007	BUY	300	\$24.2300
9/17/2007	BUY	100	\$24.2300
9/17/2007	BUY	300	\$24.2317
9/17/2007	BUY	100	\$24.2400
9/17/2007	BUY	100	\$24.2450
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	600	\$24.2500
9/17/2007	BUY	400	\$24.2500
9/17/2007	BUY	50	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	300	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	87	\$24.2500
9/17/2007	BUY	400	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	13	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	87	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	13	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500

9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	187	\$24.2500
9/17/2007	BUY	200	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	300	\$24.2500
9/17/2007	BUY	13	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	400	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	300	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	400	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	400	\$24.2500
9/17/2007	BUY	300	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	5,650	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	100	\$24.2500
9/17/2007	BUY	500	\$24.2500
9/17/2007	BUY	150	\$24.2500
9/17/2007	BUY	13,200	\$24.3054
10/11/2007	BUY	100	\$28.2500
11/1/2007	SELL	223	\$24.8096
11/1/2007	SELL	100	\$24.8096
11/1/2007	SELL	300	\$24.8196
11/1/2007	SELL	400	\$24.8196
11/1/2007	SELL	300	\$24.8196
11/1/2007	SELL	500	\$24.8196
11/1/2007	SELL	500	\$24.8196

11/1/2007	SELL	500	\$24.8196
11/1/2007	SELL	500	\$24.8246
11/1/2007	SELL	40	\$24.8290
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	100	\$24.8296
11/1/2007	SELL	200	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	300	\$24.8296
11/1/2007	SELL	700	\$24.8296
11/1/2007	SELL	100	\$24.8396
11/1/2007	SELL	200	\$24.8396
11/1/2007	SELL	100	\$24.8396
11/1/2007	SELL	100	\$24.8396
11/1/2007	SELL	100	\$24.8396
11/1/2007	SELL	100	\$24.8396

11/1/2007	SELL	100	\$24.8396
11/1/2007	SELL	500	\$24.8496
11/1/2007	SELL	500	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	100	\$24.8496
11/1/2007	SELL	200	\$24.8496
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	200	\$24.8596
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	300	\$24.8596
11/1/2007	SELL	300	\$24.8596
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11/1/2007	SELL	300	\$24.8596
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11/1/2007	SELL	300	\$24.8796
11/1/2007	SELL	200	\$24.8796
11/1/2007	SELL	400	\$24.8796
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11/1/2007	SELL	13	\$24.8892
11/1/2007	SELL	13	\$24.8892
11/1/2007	SELL	87	\$24.8895
11/1/2007	SELL	187	\$24.8896
11/1/2007	SELL	500	\$24.8896
11/1/2007	SELL	500	\$24.8896
11/1/2007	SELL	500	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	100	\$24.8896

11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	200	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	100	\$24.8896
11/1/2007	SELL	150	\$24.8896
11/1/2007	SELL	1	\$24.8900
11/1/2007	SELL	500	\$24.8956
11/1/2007	SELL	87	\$24.8995
11/1/2007	SELL	499	\$24.8996
11/1/2007	SELL	500	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	300	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	300	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	400	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	200	\$24.8996
11/1/2007	SELL	300	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	300	\$24.8996

11/1/2007	SELL	400	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	300	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	100	\$24.8996
11/1/2007	SELL	5,650	\$24.8996
11/1/2007	SELL	500	\$24.9096
11/1/2007	SELL	500	\$24.9096
11/1/2007	SELL	500	\$24.9096
11/1/2007	SELL	400	\$24.9096
11/1/2007	SELL	100	\$24.9196
11/1/2007	SELL	100	\$24.9196
11/2/2007	BUY	35,350	\$24.1712
2/1/2008	SELL	100	\$18.5297
2/1/2008	SELL	50	\$18.5996
2/1/2008	SELL	100	\$18.5997
2/1/2008	SELL	100	\$18.5997
2/1/2008	SELL	400	\$18.5998
2/1/2008	SELL	600	\$18.5998
2/25/2008	SELL	13,200	\$15.8097
2/25/2008	SELL	35,350	\$15.8097
2/25/2008	SELL	100	\$15.8097
2/26/2008	BUY	1,000	\$16.9870
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	1,000	\$16.9800
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	200	\$16.9800
2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	95	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	5	\$17.0000
2/26/2008	BUY	300	\$16.9800
2/26/2008	BUY	400	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	45	\$17.0000

2/26/2008	BUY	500	\$16.9800
2/26/2008	BUY	55	\$17.0000
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	30	\$17.0000
2/26/2008	BUY	300	\$16.9800
2/26/2008	BUY	1,935	\$17.0100
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	300	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	400	\$16.9800
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	100	\$16.9800
2/26/2008	BUY	800	\$16.9900
2/26/2008	BUY	800	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900

2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	400	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	500	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	1,000	\$16.9900
2/26/2008	BUY	400	\$16.9900
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	800	\$16.9900
2/26/2008	BUY	200	\$16.9900
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	200	\$17.0000
2/26/2008	BUY	50	\$17.0000
2/26/2008	BUY	150	\$17.0000
2/26/2008	BUY	50	\$17.0000
2/26/2008	BUY	35	\$17.0000
2/26/2008	BUY	415	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	85	\$17.0000
2/26/2008	BUY	200	\$17.0000
2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	1,000	\$17.0000
2/26/2008	BUY	1,000	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	100	\$16.9900
2/26/2008	BUY	500	\$17.0000

2/26/2008	BUY	100	\$17.0000
2/26/2008	BUY	400	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	BUY	500	\$17.0000
2/26/2008	SELL	150	\$16.9433
3/19/2008	SELL	12,600	\$14.5498
3/19/2008	SELL	100	\$14.5598
3/19/2008	SELL	100	\$14.5598
3/19/2008	SELL	100	\$14.5598
3/19/2008	SELL	100	\$14.5598
3/19/2008	SELL	100	\$14.5598
3/19/2008	SELL	300	\$14.5598
3/19/2008	SELL	300	\$14.5598
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5698
3/19/2008	SELL	100	\$14.5798
3/19/2008	SELL	100	\$14.5798
3/19/2008	SELL	100	\$14.5798
3/19/2008	SELL	100	\$14.5798
3/19/2008	SELL	100	\$14.5798
3/19/2008	SELL	300	\$14.5798
3/19/2008	SELL	100	\$14.5898
3/19/2008	SELL	100	\$14.5898
3/19/2008	SELL	100	\$14.5898
3/19/2008	SELL	100	\$14.5898
3/19/2008	SELL	200	\$14.5898
3/19/2008	SELL	300	\$14.5898

3/19/2008	SELL	100	\$14.5998
3/19/2008	SELL	100	\$14.5998
3/19/2008	SELL	100	\$14.5998
3/19/2008	SELL	100	\$14.5998
3/19/2008	SELL	100	\$14.5998
3/19/2008	SELL	300	\$14.5998
3/19/2008	SELL	100	\$14.6098
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	100	\$14.6198
3/19/2008	SELL	1,000	\$14.6198
3/19/2008	SELL	200	\$14.6298
3/19/2008	SELL	300	\$14.6298
3/19/2008	SELL	300	\$14.6298
3/19/2008	SELL	200	\$14.6398
3/19/2008	SELL	100	\$14.6398
3/19/2008	SELL	100	\$14.6398
3/19/2008	SELL	100	\$14.6498
3/19/2008	SELL	100	\$14.6598
3/19/2008	SELL	300	\$14.6598
3/19/2008	SELL	300	\$14.6598
3/19/2008	SELL	300	\$14.6598
3/19/2008	SELL	300	\$14.6598
3/19/2008	SELL	300	\$14.6598
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	500	\$14.6698
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	100	\$14.6798

3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	100	\$14.6798
3/19/2008	SELL	200	\$14.6798
3/19/2008	SELL	500	\$14.6798
3/19/2008	SELL	500	\$14.6798
3/19/2008	SELL	300	\$14.6798
3/19/2008	SELL	300	\$14.6798
3/19/2008	SELL	300	\$14.6798
3/19/2008	SELL	300	\$14.6798
3/19/2008	SELL	100	\$14.6898
3/19/2008	SELL	100	\$14.6898
3/19/2008	SELL	100	\$14.6998
3/19/2008	SELL	100	\$14.6998
3/19/2008	SELL	100	\$14.6998
3/19/2008	SELL	100	\$14.6998
3/19/2008	SELL	200	\$14.6998
3/19/2008	SELL	300	\$14.6998
3/19/2008	SELL	200	\$14.7098
3/19/2008	SELL	200	\$14.7098
3/19/2008	SELL	100	\$14.7098
3/19/2008	SELL	300	\$14.7098
3/19/2008	SELL	100	\$14.7198
3/19/2008	SELL	200	\$14.7198
3/19/2008	SELL	100	\$14.7198
3/19/2008	SELL	7,500	\$14.7289
3/19/2008	SELL	200	\$14.7298
3/19/2008	SELL	100	\$14.7298

3/19/2008	SELL	100	\$14.7298
3/19/2008	SELL	200	\$14.7298
3/19/2008	SELL	100	\$14.7298
3/19/2008	SELL	200	\$14.7298
3/19/2008	SELL	100	\$14.7298
3/19/2008	SELL	100	\$14.7298
3/19/2008	SELL	200	\$14.7298
3/19/2008	SELL	100	\$14.7298
3/19/2008	SELL	300	\$14.7298

## **EXHIBIT B**

**The Blackstone Group L.P. Securities Litigation****CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES  
FOR THE BX INVESTOR GROUP****Francis Brady**

Date	Type	Shares	Price	Cost/(Proceeds)
6/22/2007	BUY	7,166	36.6025	\$262,293.78
6/22/2007	BUY	1,000	36.5420	\$36,542.00
7/6/2007	BUY	1,000	31.0000	\$31,000.00
7/20/2007	SELL	7,166	26.9972	(\$193,462.06)
8/14/2007	BUY	700	26.0000	\$18,200.00
10/9/2007	BUY	570	28.4900	\$16,239.30
11/5/2007	SELL	1,270	23.6682	(\$30,058.66)
11/9/2007	BUY	500	23.8000	\$11,900.00
11/13/2007	SELL	500	22.2713	(\$11,135.64)
12/12/2007	BUY	1,000	23.7000	\$23,700.00
12/17/2007	BUY	700	23.5028	\$16,451.93
12/18/2007	BUY	200	23.1500	\$4,630.00
12/31/2007	BUY	1,000	21.7700	\$21,770.00
1/3/2008	BUY	400	21.6900	\$8,676.00
1/10/2008	SELL	500	18.1214	(\$9,060.72)
4/11/2008	BUY	32	18.2800	\$584.96
HELD		4,832	17.3300	(\$83,738.56)
				<b>Total Loss: \$124,532.33</b>

**Max Poulter**

Date	Type	Shares	Price	Cost/(Proceeds)
9/14/2007	BUY	300	\$23.3900	\$7,017.00
9/14/2007	BUY	300	\$23.3900	\$7,017.00
9/14/2007	BUY	300	\$23.4000	\$7,020.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	200	\$23.4000	\$4,680.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	200	\$23.4000	\$4,680.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	200	\$23.4000	\$4,680.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00

9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	200	\$23.4000	\$4,680.00
9/14/2007	BUY	100	\$23.4000	\$2,340.00
9/14/2007	BUY	100	\$23.4200	\$2,342.00
9/14/2007	BUY	100	\$23.4200	\$2,342.00
9/14/2007	BUY	300	\$23.4200	\$7,026.00
9/14/2007	BUY	100	\$23.4200	\$2,342.00
9/14/2007	BUY	100	\$23.4200	\$2,342.00
9/14/2007	BUY	200	\$23.4200	\$4,684.00
9/14/2007	BUY	300	\$23.5133	\$7,054.00
9/14/2007	BUY	700	\$23.5557	\$16,489.00
9/14/2007	BUY	200	\$23.5700	\$4,714.00
9/14/2007	BUY	200	\$23.5700	\$4,714.00
9/14/2007	BUY	300	\$23.6233	\$7,087.00
9/14/2007	BUY	300	\$23.6233	\$7,087.00
9/14/2007	BUY	300	\$23.6258	\$7,087.74
9/14/2007	BUY	500	\$23.6700	\$11,835.00
9/14/2007	BUY	500	\$23.6869	\$11,843.47
9/14/2007	BUY	200	\$23.7400	\$4,748.00
9/14/2007	BUY	500	\$23.7400	\$11,870.00
9/14/2007	BUY	300	\$23.7400	\$7,122.00
9/14/2007	BUY	100	\$23.7400	\$2,374.00
9/14/2007	BUY	200	\$23.7400	\$4,748.00
9/14/2007	BUY	100	\$23.7400	\$2,374.00
9/14/2007	BUY	200	\$23.7400	\$4,748.00
9/14/2007	BUY	100	\$23.7400	\$2,374.00
9/14/2007	BUY	200	\$23.7437	\$4,748.73
9/14/2007	BUY	300	\$23.7437	\$7,123.10
9/14/2007	BUY	100	\$23.7437	\$2,374.37
9/14/2007	BUY	300	\$23.7437	\$7,123.11
9/14/2007	BUY	100	\$23.7437	\$2,374.37
9/14/2007	BUY	100	\$23.7437	\$2,374.37
9/14/2007	BUY	200	\$23.7437	\$4,748.74
9/17/2007	BUY	40	\$24.1493	\$965.97
9/17/2007	BUY	223	\$24.1493	\$5,385.30
9/17/2007	BUY	500	\$24.1494	\$12,074.68
9/17/2007	BUY	500	\$24.1494	\$12,074.68
9/17/2007	BUY	300	\$24.1494	\$7,244.81
9/17/2007	BUY	300	\$24.1494	\$7,244.81
9/17/2007	BUY	400	\$24.1494	\$9,659.75

9/17/2007	BUY	100	\$24.1494	\$2,414.94
9/17/2007	BUY	500	\$24.1800	\$12,090.00
9/17/2007	BUY	500	\$24.1840	\$12,092.00
9/17/2007	BUY	200	\$24.1900	\$4,838.00
9/17/2007	BUY	300	\$24.1900	\$7,257.00
9/17/2007	BUY	300	\$24.1900	\$7,257.00
9/17/2007	BUY	300	\$24.2017	\$7,260.50
9/17/2007	BUY	500	\$24.2100	\$12,105.00
9/17/2007	BUY	300	\$24.2100	\$7,263.00
9/17/2007	BUY	1	\$24.2100	\$24.21
9/17/2007	BUY	300	\$24.2100	\$7,263.00
9/17/2007	BUY	100	\$24.2179	\$2,421.79
9/17/2007	BUY	499	\$24.2190	\$12,085.29
9/17/2007	BUY	300	\$24.2200	\$7,266.00
9/17/2007	BUY	500	\$24.2200	\$12,110.00
9/17/2007	BUY	100	\$24.2200	\$2,422.00
9/17/2007	BUY	100	\$24.2200	\$2,422.00
9/17/2007	BUY	200	\$24.2200	\$4,844.00
9/17/2007	BUY	200	\$24.2200	\$4,844.00
9/17/2007	BUY	300	\$24.2200	\$7,266.00
9/17/2007	BUY	200	\$24.2200	\$4,844.00
9/17/2007	BUY	100	\$24.2200	\$2,422.00
9/17/2007	BUY	100	\$24.2200	\$2,422.00
9/17/2007	BUY	200	\$24.2200	\$4,844.00
9/17/2007	BUY	200	\$24.2225	\$4,844.50
9/17/2007	BUY	300	\$24.2286	\$7,268.58
9/17/2007	BUY	200	\$24.2300	\$4,846.00
9/17/2007	BUY	300	\$24.2300	\$7,269.00
9/17/2007	BUY	300	\$24.2300	\$7,269.00
9/17/2007	BUY	100	\$24.2300	\$2,423.00
9/17/2007	BUY	300	\$24.2317	\$7,269.50
9/17/2007	BUY	100	\$24.2400	\$2,424.00
9/17/2007	BUY	100	\$24.2450	\$2,424.50
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	600	\$24.2500	\$14,550.00
9/17/2007	BUY	400	\$24.2500	\$9,700.00
9/17/2007	BUY	50	\$24.2500	\$1,212.50
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	300	\$24.2500	\$7,275.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00

9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	87	\$24.2500	\$2,109.75
9/17/2007	BUY	400	\$24.2500	\$9,700.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	13	\$24.2500	\$315.25
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	87	\$24.2500	\$2,109.75
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	13	\$24.2500	\$315.25
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	187	\$24.2500	\$4,534.75
9/17/2007	BUY	200	\$24.2500	\$4,850.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	300	\$24.2500	\$7,275.00
9/17/2007	BUY	13	\$24.2500	\$315.25
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	400	\$24.2500	\$9,700.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	300	\$24.2500	\$7,275.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00
9/17/2007	BUY	400	\$24.2500	\$9,700.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00

9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	400	\$24.2500	\$9,700.00
9/17/2007	BUY	300	\$24.2500	\$7,275.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	5,650	\$24.2500	\$137,012.50
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00
9/17/2007	BUY	100	\$24.2500	\$2,425.00
9/17/2007	BUY	500	\$24.2500	\$12,125.00
9/17/2007	BUY	150	\$24.2500	\$3,637.50
9/17/2007	BUY	13,200	\$24.3054	\$320,831.49
10/11/2007	BUY	100	\$28.2500	\$2,825.00
11/1/2007	SELL	223	\$24.8096	(\$5,532.54)
11/1/2007	SELL	100	\$24.8096	(\$2,480.96)
11/1/2007	SELL	300	\$24.8196	(\$7,445.88)
11/1/2007	SELL	400	\$24.8196	(\$9,927.84)
11/1/2007	SELL	300	\$24.8196	(\$7,445.88)
11/1/2007	SELL	500	\$24.8196	(\$12,409.81)
11/1/2007	SELL	500	\$24.8196	(\$12,409.81)
11/1/2007	SELL	500	\$24.8196	(\$12,409.81)
11/1/2007	SELL	500	\$24.8246	(\$12,412.31)
11/1/2007	SELL	40	\$24.8290	(\$993.16)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)

11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	100	\$24.8296	(\$2,482.96)
11/1/2007	SELL	200	\$24.8296	(\$4,965.92)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	300	\$24.8296	(\$7,448.88)
11/1/2007	SELL	700	\$24.8296	(\$17,380.73)
11/1/2007	SELL	100	\$24.8396	(\$2,483.96)
11/1/2007	SELL	200	\$24.8396	(\$4,967.92)
11/1/2007	SELL	100	\$24.8396	(\$2,483.96)
11/1/2007	SELL	100	\$24.8396	(\$2,483.96)
11/1/2007	SELL	100	\$24.8396	(\$2,483.96)
11/1/2007	SELL	100	\$24.8396	(\$2,483.96)
11/1/2007	SELL	500	\$24.8496	(\$12,424.80)
11/1/2007	SELL	500	\$24.8496	(\$12,424.80)
11/1/2007	SELL	100	\$24.8496	(\$2,484.96)
11/1/2007	SELL	200	\$24.8496	(\$4,969.92)
11/1/2007	SELL	200	\$24.8496	(\$4,969.92)
11/1/2007	SELL	100	\$24.8496	(\$2,484.96)
11/1/2007	SELL	200	\$24.8496	(\$4,969.92)
11/1/2007	SELL	100	\$24.8496	(\$2,484.96)
11/1/2007	SELL	100	\$24.8496	(\$2,484.96)
11/1/2007	SELL	200	\$24.8596	(\$4,971.92)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	200	\$24.8596	(\$4,971.92)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)

11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	300	\$24.8596	(\$7,457.88)
11/1/2007	SELL	500	\$24.8696	(\$12,434.80)
11/1/2007	SELL	100	\$24.8696	(\$2,486.96)
11/1/2007	SELL	100	\$24.8696	(\$2,486.96)
11/1/2007	SELL	100	\$24.8696	(\$2,486.96)
11/1/2007	SELL	300	\$24.8796	(\$7,463.88)
11/1/2007	SELL	200	\$24.8796	(\$4,975.92)
11/1/2007	SELL	400	\$24.8796	(\$9,951.84)
11/1/2007	SELL	100	\$24.8796	(\$2,487.96)
11/1/2007	SELL	13	\$24.8892	(\$323.56)
11/1/2007	SELL	13	\$24.8892	(\$323.56)
11/1/2007	SELL	13	\$24.8892	(\$323.56)
11/1/2007	SELL	87	\$24.8895	(\$2,165.39)
11/1/2007	SELL	187	\$24.8896	(\$4,654.35)
11/1/2007	SELL	500	\$24.8896	(\$12,444.80)
11/1/2007	SELL	500	\$24.8896	(\$12,444.80)
11/1/2007	SELL	500	\$24.8896	(\$12,444.80)
11/1/2007	SELL	100	\$24.8896	(\$2,488.96)
11/1/2007	SELL	100	\$24.8896	(\$2,488.96)
11/1/2007	SELL	100	\$24.8896	(\$2,488.96)
11/1/2007	SELL	100	\$24.8896	(\$2,488.96)
11/1/2007	SELL	200	\$24.8896	(\$4,977.92)
11/1/2007	SELL	100	\$24.8896	(\$2,488.96)
11/1/2007	SELL	100	\$24.8900	(\$24.89)
11/1/2007	SELL	500	\$24.8956	(\$12,447.80)
11/1/2007	SELL	87	\$24.8995	(\$2,166.26)
11/1/2007	SELL	499	\$24.8996	(\$12,424.90)
11/1/2007	SELL	500	\$24.8996	(\$12,449.80)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)

11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	400	\$24.8996	(\$9,959.84)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	200	\$24.8996	(\$4,979.92)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	400	\$24.8996	(\$9,959.84)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	100	\$24.8996	(\$2,489.96)
11/1/2007	SELL	300	\$24.8996	(\$7,469.88)
11/1/2007	SELL	5,650	\$24.8996	(\$140,682.84)
11/1/2007	SELL	500	\$24.9096	(\$12,454.80)
11/1/2007	SELL	500	\$24.9096	(\$12,454.80)
11/1/2007	SELL	500	\$24.9096	(\$12,454.80)
11/1/2007	SELL	400	\$24.9096	(\$9,963.84)
11/1/2007	SELL	100	\$24.9196	(\$2,491.96)
11/1/2007	SELL	100	\$24.9196	(\$2,491.96)
11/2/2007	BUY	35,350	\$24.1712	\$854,451.46
2/1/2008	SELL	100	\$18.5297	(\$1,852.97)
2/1/2008	SELL	50	\$18.5996	(\$929.98)
2/1/2008	SELL	100	\$18.5997	(\$1,859.97)
2/1/2008	SELL	100	\$18.5997	(\$1,859.97)

2/1/2008	SELL	400	\$18.5998	(\$7,439.91)
2/1/2008	SELL	600	\$18.5998	(\$11,159.87)
2/25/2008	SELL	13,200	\$15.8097	(\$208,687.80)
2/25/2008	SELL	35,350	\$15.8097	(\$558,872.26)
2/25/2008	SELL	100	\$15.8097	(\$1,580.97)
2/26/2008	BUY	1,000	\$16.9870	\$16,987.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	1,000	\$16.9800	\$16,980.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	200	\$16.9800	\$3,396.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$17.0000	\$6,800.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$17.0000	\$6,800.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	95	\$17.0000	\$1,615.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	5	\$17.0000	\$85.00
2/26/2008	BUY	300	\$16.9800	\$5,094.00
2/26/2008	BUY	400	\$17.0000	\$6,800.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	45	\$17.0000	\$765.00
2/26/2008	BUY	500	\$16.9800	\$8,490.00
2/26/2008	BUY	55	\$17.0000	\$935.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	30	\$17.0000	\$510.00
2/26/2008	BUY	300	\$16.9800	\$5,094.00
2/26/2008	BUY	1,935	\$17.0100	\$32,914.35
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	300	\$16.9800	\$5,094.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00

2/26/2008	BUY	400	\$16.9800	\$6,792.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	400	\$16.9900	\$6,796.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	100	\$16.9800	\$1,698.00
2/26/2008	BUY	800	\$16.9900	\$13,592.00
2/26/2008	BUY	800	\$16.9900	\$13,592.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	400	\$16.9900	\$6,796.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	500	\$16.9900	\$8,495.00
2/26/2008	BUY	1,000	\$16.9900	\$16,990.00
2/26/2008	BUY	1,000	\$16.9900	\$16,990.00
2/26/2008	BUY	1,000	\$16.9900	\$16,990.00
2/26/2008	BUY	1,000	\$16.9900	\$16,990.00
2/26/2008	BUY	1,000	\$16.9900	\$16,990.00
2/26/2008	BUY	400	\$16.9900	\$6,796.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	800	\$16.9900	\$13,592.00
2/26/2008	BUY	200	\$16.9900	\$3,398.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	200	\$17.0000	\$3,400.00
2/26/2008	BUY	50	\$17.0000	\$850.00

2/26/2008	BUY	150	\$17.0000	\$2,550.00
2/26/2008	BUY	50	\$17.0000	\$850.00
2/26/2008	BUY	35	\$17.0000	\$595.00
2/26/2008	BUY	415	\$17.0000	\$7,055.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	85	\$17.0000	\$1,445.00
2/26/2008	BUY	200	\$17.0000	\$3,400.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	1,000	\$17.0000	\$17,000.00
2/26/2008	BUY	1,000	\$17.0000	\$17,000.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	100	\$16.9900	\$1,699.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	100	\$17.0000	\$1,700.00
2/26/2008	BUY	400	\$17.0000	\$6,800.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	BUY	500	\$17.0000	\$8,500.00
2/26/2008	SELL	150	\$16.9433	(\$2,541.49)
3/19/2008	SELL	12,600	\$14.5498	(\$183,327.98)
3/19/2008	SELL	100	\$14.5598	(\$1,455.98)
3/19/2008	SELL	100	\$14.5598	(\$1,455.98)
3/19/2008	SELL	100	\$14.5598	(\$1,455.98)
3/19/2008	SELL	100	\$14.5598	(\$1,455.98)
3/19/2008	SELL	300	\$14.5598	(\$4,367.95)
3/19/2008	SELL	300	\$14.5598	(\$4,367.95)

3/19/2008	SELL	300	\$14.5598	(\$4,367.95)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5698	(\$1,456.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	100	\$14.5798	(\$1,457.98)
3/19/2008	SELL	300	\$14.5798	(\$4,373.95)
3/19/2008	SELL	100	\$14.5898	(\$1,458.98)
3/19/2008	SELL	100	\$14.5898	(\$1,458.98)
3/19/2008	SELL	100	\$14.5898	(\$1,458.98)
3/19/2008	SELL	100	\$14.5898	(\$1,458.98)
3/19/2008	SELL	100	\$14.5898	(\$1,458.98)
3/19/2008	SELL	200	\$14.5898	(\$2,917.96)
3/19/2008	SELL	300	\$14.5898	(\$4,376.95)
3/19/2008	SELL	100	\$14.5998	(\$1,459.98)
3/19/2008	SELL	100	\$14.5998	(\$1,459.98)
3/19/2008	SELL	100	\$14.5998	(\$1,459.98)
3/19/2008	SELL	100	\$14.5998	(\$1,459.98)
3/19/2008	SELL	100	\$14.5998	(\$1,459.98)
3/19/2008	SELL	300	\$14.5998	(\$4,379.95)
3/19/2008	SELL	100	\$14.6098	(\$1,460.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	100	\$14.6198	(\$1,461.98)
3/19/2008	SELL	1,000	\$14.6198	(\$14,619.83)

3/19/2008	SELL	200	\$14.6298	(\$2,925.96)
3/19/2008	SELL	300	\$14.6298	(\$4,388.95)
3/19/2008	SELL	300	\$14.6298	(\$4,388.95)
3/19/2008	SELL	200	\$14.6398	(\$2,927.96)
3/19/2008	SELL	100	\$14.6398	(\$1,463.98)
3/19/2008	SELL	100	\$14.6398	(\$1,463.98)
3/19/2008	SELL	100	\$14.6498	(\$1,464.98)
3/19/2008	SELL	100	\$14.6598	(\$1,465.98)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	300	\$14.6598	(\$4,397.95)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	500	\$14.6698	(\$7,334.91)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	100	\$14.6798	(\$1,467.98)
3/19/2008	SELL	200	\$14.6798	(\$2,935.96)
3/19/2008	SELL	500	\$14.6798	(\$7,339.91)
3/19/2008	SELL	500	\$14.6798	(\$7,339.91)
3/19/2008	SELL	300	\$14.6798	(\$4,403.95)
3/19/2008	SELL	300	\$14.6798	(\$4,403.95)

3/19/2008	SELL	300	\$14.6798	(\$4,403.95)
3/19/2008	SELL	300	\$14.6798	(\$4,403.95)
3/19/2008	SELL	300	\$14.6798	(\$4,403.95)
3/19/2008	SELL	100	\$14.6898	(\$1,468.98)
3/19/2008	SELL	100	\$14.6898	(\$1,468.98)
3/19/2008	SELL	100	\$14.6898	(\$1,468.98)
3/19/2008	SELL	100	\$14.6898	(\$1,468.98)
3/19/2008	SELL	100	\$14.6898	(\$1,468.98)
3/19/2008	SELL	100	\$14.6998	(\$1,469.98)
3/19/2008	SELL	100	\$14.6998	(\$1,469.98)
3/19/2008	SELL	100	\$14.6998	(\$1,469.98)
3/19/2008	SELL	100	\$14.6998	(\$1,469.98)
3/19/2008	SELL	100	\$14.6998	(\$1,469.98)
3/19/2008	SELL	200	\$14.6998	(\$2,939.96)
3/19/2008	SELL	300	\$14.6998	(\$4,409.95)
3/19/2008	SELL	200	\$14.7098	(\$2,941.96)
3/19/2008	SELL	200	\$14.7098	(\$2,941.96)
3/19/2008	SELL	100	\$14.7098	(\$1,470.98)
3/19/2008	SELL	300	\$14.7098	(\$4,412.95)
3/19/2008	SELL	100	\$14.7198	(\$1,471.98)
3/19/2008	SELL	200	\$14.7198	(\$2,943.96)
3/19/2008	SELL	100	\$14.7198	(\$1,471.98)
3/19/2008	SELL	7,500	\$14.7289	(\$110,466.78)
3/19/2008	SELL	200	\$14.7298	(\$2,945.96)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	200	\$14.7298	(\$2,945.96)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	200	\$14.7298	(\$2,945.96)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	200	\$14.7298	(\$2,945.96)
3/19/2008	SELL	100	\$14.7298	(\$1,472.98)
3/19/2008	SELL	300	\$14.7298	(\$4,418.95)

Total Loss: **\$488,251.90**

**BX Investor Group Total Loss:** **\$612,784.23**

## **EXHIBIT C**

**DECLARATION OF FRANCIS BRADY IN SUPPORT OF THE MOTION OF THE BX INVESTOR GROUP TO BE APPOINTED LEAD PLAINTIFF AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

I, Francis Brady, declare as follows:

1. I submit this declaration in support of the Motion of BX Investor Group to be Appointed Lead Plaintiff and to Approve Proposed Lead Plaintiffs' Choice of Counsel pursuant to the Private Securities Litigation Reform Act of 1995.

2. I have been employed as a construction worker for the past approximately 20 years. I currently reside in New York City. I have been investing in the stock market for approximately 8 years and have managed my own portfolio during this period.

3. On June 12, 2008, I participated in a conference call with Max Poulter to discuss the formation of our two-person group, whether we could work together to manage this litigation and oversee counsel. Our conference call lasted for approximately 30 minutes, and during the call we discussed our joint interest in prosecuting the action; our interaction with each other and a decision making methodology as co-lead plaintiffs; that we would regularly communicate with each other and remain informed as to the progress of the litigation and provide input to our chosen counsel. As a result of our call, I believe that we can effectively and efficiently work together to manage this litigation and act collectively as the Lead Plaintiff. We have agreed to select Brower Piven, A Professional Corporation ("Brower Piven") to be the lead counsel, if our group is appointed as lead plaintiff.

4. I have selected my counsel, Brower Piven, based on its experience in securities litigation and other class action litigation and resources. I am familiar with the background and experience of Brower Piven and I am satisfied that the attorneys working on this matter are experienced in the prosecution of class action securities cases and will vigorously and diligently

prosecute this action at the direction of BX Investor Group. I am further satisfied that these attorneys will keep me advised of the status of the action in order to assure that I may fulfill my duties as Lead Plaintiff.

5. As part of our conference call on June 12, 2008, we discussed our duties and responsibilities as lead plaintiffs. As a result of the conference call and communications with counsel, I understand that to fulfill my fiduciary duties and obligations as Lead Plaintiff, I must fairly and adequately represent the Class by vigorously prosecuting this case on behalf of the Class.

6. I will fulfill what I understand to be my responsibilities as Lead Plaintiff to the best of my ability. If BX Investor Group is selected as Lead Plaintiff, I intend to oversee my counsel and monitor the progress of the litigation with the other member of the BX Investor Group. In discharging those duties, I intend, among other things, to review pleadings and motions papers received from counsel; obtain periodic status reports on the progress of the litigation on developments in the action; produce documents, answer interrogatories, and/or sit for a deposition, if necessary; and have input into litigation decisions and strategies, and involvement in the final approval of any major litigation decisions, including whether or not to settle the litigation and, if so, for how much.

7. During our conference call, we discussed having regular communication in order to be informed of the status and progress of the litigation and to consider litigation strategies recommended by our counsel. I understand that litigation of this nature has active and inactive periods, and I will make myself available as needed to fulfill my role as Lead Plaintiff. We agreed to have at least quarterly conference calls to discuss the case and to have additional calls as warranted by the developments in the action. Also, as part of our call we discussed how we

would make decisions and, based on that discussion, I do not foresee a circumstance where we could not reach consensus for a solution to any issue that might arise.

8. We have also agreed that Max Poulter, the BX Investor Group member who has suffered the largest loss, will act as an "emergency" contact in what I understand to be the very unlikely event that a decision needs to be made on an expedited basis and we cannot convene on short notice.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12 day of June, 2008

Francis Brady  
Francis Brady

**DECLARATION OF MAX POULTER IN SUPPORT OF THE MOTION OF THE BX  
INVESTOR GROUP TO BE APPOINTED LEAD PLAINTIFF AND TO APPROVE  
PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

I, Max Poulter, declare as follows:

1. I submit this declaration in support of the Motion of BX Investor Group to be Appointed Lead Plaintiff and to Approve Proposed Lead Plaintiffs' Choice of Counsel pursuant to the Private Securities Litigation Reform Act of 1995.

2. Until my retirement, I was employed in the insurance business for approximately 37 years. I currently reside in Louisville, Kentucky. I have been investing in the stock market for approximately 45 years and have managed my own portfolio during this period.

3. On June 12, 2008, I participated in a conference call with Francis Brady to discuss the formation of our two-person group, whether we could work together to manage this litigation and oversee counsel. Our conference call lasted for approximately 30 minutes, and during the call we discussed our joint interest in prosecuting the action; our interaction with each other and a decision making methodology as co-lead plaintiffs; that we would regularly communicate with each other and remain informed as to the progress of the litigation and provide input to our chosen counsel. As a result of our call, I believe that we can effectively and efficiently work together to manage this litigation and act collectively as the Lead Plaintiff. We have agreed to select Brower Piven, A Professional Corporation ("Brower Piven") to be the lead counsel, if our group is appointed as lead plaintiff.

4. I have selected my counsel, Brower Piven, based on its experience in securities litigation and other class action litigation and resources. I am familiar with the background and experience of Brower Piven, and I am satisfied that the attorneys working on this matter are experienced in the prosecution of class action securities cases and will vigorously and diligently

prosecute this action at the direction of BX Investor Group. I am further satisfied that these attorneys will keep me advised of the status of the action in order to assure that I may fulfill my duties as Lead Plaintiff.

5. As part of our conference call on June 12, 2008, we discussed our duties and responsibilities as lead plaintiffs. As a result of the conference call and communications with counsel, I understand that to fulfill my fiduciary duties and obligations as Lead Plaintiff, I must fairly and adequately represent the Class by vigorously prosecuting this case on behalf of the Class.

6. I will fulfill what I understand to be my responsibilities as Lead Plaintiff to the best of my ability. If BX Investor Group is selected as Lead Plaintiff, I intend to oversee my counsel and monitor the progress of the litigation with the other member of the BX Investor Group. In discharging those duties, I intend, among other things, to review pleadings and motions papers received from counsel; obtain periodic status reports on the progress of the litigation on developments in the action; produce documents, answer interrogatories, and/or sit for a deposition, if necessary; and have input into litigation decisions and strategies, and involvement in the final approval of any major litigation decisions, including whether or not to settle the litigation and, if so, for how much.

7. During our conference call, we discussed having regular communication in order to be informed of the status and progress of the litigation and to consider litigation strategies recommended by our counsel. I understand that litigation of this nature has active and inactive periods, and I will make myself available as needed to fulfill my role as Lead Plaintiff. We agreed to have periodic conference calls to discuss the case and to have additional calls as warranted by the developments in the action. Also, as part of our call we discussed how we

would make decisions and, based on that discussion, I do not foresee a circumstance where we could not reach consensus for a solution to any issue that might arise.

8. We have also agreed that I, the BX Investor Group member with the largest loss, will act as an "emergency" contact in what I understand to be the very unlikely event that a decision needs to be made on an expedited basis and we cannot convene on short notice.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 27<sup>th</sup> day of June, 2008

  
\_\_\_\_\_  
Max Poulter

## **EXHIBIT D**



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Source: Coughlin Stoia Geller Rudman &amp; Robbins LLP

## Coughlin Stoia Geller Rudman & Robbins LLP Files Class Action Suit against The Blackstone Group L.P.

Tuesday April 15, 4:55 pm ET

NEW YORK--(BUSINESS WIRE)--Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia") (<http://www.csgr.com/cases/blackstonegroup/>) today announced that a class action has been commenced in the United States District Court for the Southern District of New York on behalf of purchasers of the common stock of The Blackstone Group L.P. ("Blackstone" or the "Company") (NYSE:BX - News) pursuant and/or traceable to the Company's initial public offering on or about June 25, 2007 (the "IPO" or the "Offering") seeking to pursue remedies under the Securities Act of 1933 (the "Securities Act").

If you wish to serve as lead plaintiff, you must move the Court no later than 60 days from today. If you wish to discuss this action or have any questions concerning this notice or your rights or interests, please contact plaintiff's counsel, Samuel H. Rudman or David A. Rosenfeld of Coughlin Stoia at 800/449-4900 or 619/231-1058, or via e-mail at [djr@csgr.com](mailto:djr@csgr.com). If you are a member of this class, you can view a copy of the complaint as filed or join this class action online at <http://www.csgr.com/cases/blackstonegroup/>. Any member of the purported class may move the Court to serve as lead plaintiff through counsel of their choice, or may choose to do nothing and remain an absent class member.

The complaint charges Blackstone and certain of its officers and directors with violations of the Securities Act. Blackstone, through its subsidiaries, provides alternative asset management and financial advisory services worldwide.

According to the complaint, on or about June 21, 2007, Blackstone filed with the SEC a Form S-1/A Registration Statement (the "Registration Statement"), for the IPO. On or about June 25, 2007, the Prospectus (the "Prospectus") with respect to the IPO, which forms part of the Registration Statement, became effective and, including the exercise of the over-allotment, more than 133 million shares of Blackstone's common stock were sold to the public at \$31 per share, thereby raising more than \$4 billion.

The complaint alleges that the Registration Statement failed to disclose that certain of the Company's portfolio companies were not performing well and were of declining value and, as a result, Blackstone's equity investment was impaired and the Company would not generate anticipated performance fees on those investments or would have fees "clawed-back" by limited partners in its funds.

On March 10, 2008, Blackstone issued a press release announcing its financial results for the full year of 2007 and the fourth quarter of 2007, the periods ending December 31, 2007. Among other disclosures, Blackstone announced that it was writing down its investment in Financial Guaranty Insurance Company by \$122 million. As of April 15, 2008, Blackstone common stock traded in a range of \$17-\$17.50 per share, approximately 45% below the IPO price of \$31.00 per share.

Plaintiff seeks to recover damages of all those who purchased the common stock of Blackstone pursuant and/or traceable to the Company's IPO on or about June 25, 2007. The plaintiff is represented by Coughlin Stoia, which has expertise in prosecuting investor class actions and extensive experience in actions involving financial fraud.

Coughlin Stoia, a 190-lawyer firm with offices in San Diego, San Francisco, Los Angeles, New York, Boca Raton,

Washington, D.C., Philadelphia and Atlanta, is active in major litigations pending in federal and state courts throughout the United States and has taken a leading role in many important actions on behalf of defrauded investors, consumers, and companies, as well as victims of human rights violations. The Coughlin Stoia Web site (<http://www.csgrr.com>) has more information about the firm.

*Contact:*

Coughlin Stoia Geller Rudman & Robbins LLP  
Samuel H. Rudman, 800-449-4900  
David A. Rosenfeld  
[djr@csgrr.com](mailto:djr@csgrr.com)

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Source: Coughlin Stoia Geller Rudman & Robbins LLP

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## **EXHIBIT E**

**BROWER PIVEN**  
**A PROFESSIONAL CORPORATION**

With offices in New York City and Baltimore, Maryland, Brower Piven focuses its practice in the areas of complex class action and other representative litigation. The firm's practice areas, while diverse, enable Brower Piven clients to call upon experience and resources available at few firms of its size. Brower Piven clients range from institutional and large private investors, to small and large businesses, to small individual investors and retail consumers. Regardless of the size of the matter, Brower Piven provides every client with the professional service, care, and quality that Brower Piven believes every client deserves.

Attorneys at Brower Piven, some with over 25 years of experience, are nationally recognized in the class action arena. The firm's attorneys have vast experience advising and representing plaintiffs in class actions under the federal securities laws; federal and state consumer protection laws; federal and state antitrust laws; state shareholder and corporate governance laws; federal and state environmental laws; and federal RICO laws. Brower Piven attorneys have served their clients in literally hundreds of actions in virtually every state and federal court in the nation.

Some current matters in which Brower Piven has a leadership role demonstrate the scope of the firm's expertise. Brower Piven is co-lead counsel in the *In re Merck Securities, Derivative, and "ERISA" Litigation* pending in the United States District Court for the District of New Jersey, considered by many the largest federal securities fraud action in terms of damages in history, and co-lead and liaison counsel in the shareholder litigations challenging the proposed \$38 billion take-over of Equity Office Properties Trust, one of the largest going private transaction in business history. Brower Piven is also co-lead counsel in the following federal securities class actions: *Wagner v. Barrick Gold Corporation et al.* (S.D.N.Y); *In re Interlink Electronics, Inc. Securities Litigation* (C.D. Cal.); *In re FoxHollow Technologies, Inc. Securities Litigation* (N.D. Cal.); *Levie v. Sears Roebuck & Co. et al.* (N.D. Ill.); and *In re Arotech Corp. Securities Litigation* (E.D.N.Y.). Brower Piven is or was co-lead and/or liaison counsel representing shareholders in the following merger-related class actions: *Blaz v. Pan Pacific Retail Properties, Inc. et al.* (Cir. Ct., Balt. Co.); *In re Reckson Associates Realty Corp. Shareholders Litigation* (N.Y. Sup. Ct., Nassau Co.); *In re Fairchild Corp. Shareholders Litigation* (Del. Ch.); *In re Laureate Education Shareholder Litigation* (Cir. Ct. Balt. City); *In re PHH Corporation Transaction Litigation* (Cir. Ct., Balt. Co.); *In re Huntsman Corporation Shareholder Litigation* (Del. Ch.). Brower Piven is also counsel in the consumer class action, *H&R Block, Inc. "Express IRA" Marketing Litigation*, MDL No. 1786 (W.D. Mo.).

The breadth of Brower Piven's experience, which includes extensive experience counseling and representing defendants, corporations and their executives, real estate developers and large private investors in complex commercial litigation, class and non-class action litigation, and on corporate governance matters. The firm's experience on both sides of the bar makes it uniquely qualified to provide its clients with a perspective not available from firms that solely represent plaintiffs or defendants. The success of the strategy pursued by Brower Piven's attorneys in representing their clients over the years has been demonstrated by clients and classes represented by attorneys at Brower Piven recovering over \$1 billion in past and pending recoveries. The

following is a sampling of the cases and results achieved by attorneys at Brower Piven where they have served as lead or co-lead counsel for plaintiffs:

*Steiner v. Southmark Corporation*, No. 3-89-1387-D (N.D. Tex.), federal securities fraud class action against defunct real estate partnership marketer and its outside accountants resulting in a recovery of over \$75 million in cash for investors.

*In re Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.), a federal securities fraud class action on behalf of limited partners and shareholders where plaintiffs recovered over \$100 million in cash and benefits including the restructuring of dozens of oil and gas limited partnerships.

*In re StarLink Products Liability Litigation*, MDL No. 1403, No. 01 C 4928 (N.D. Ill.), representing all American corn farmers in nationwide litigation against manufacturer of unapproved pesticide which alleged infected the U.S. corn supply and recovering over \$125 million in cash for the class member.

*Romig v. Jefferson-Pilot Life Insurance Company*, 95 CVS 9703 (Supr. Ct. N.C.), deceptive insurance sales practices action brought on behalf of a class of Jefferson Pilot life insurance purchasers, resulting in a recovery for policyholders valued at over \$55 million.

*In re MicroStrategy Securities Litigation*, No. 00-473-A (E.D. Va.), a federal securities fraud class, where over \$125 million was recovered for investors, the Court commented that: "Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition that they enjoy."

*In re Arakis Energy Corporation Securities Litigation*, No. 95-CV-3431 (ARR) (E.D.N.Y.), federal securities class action against Canadian company resulting in a recovery of over \$24 million for investors.

*In re Spectrum Information Technologies Securities Litigation*, CV-93-2295 (FB) (E.D.N.Y.), securities fraud action against bankrupt issuer where over \$10 million in cash was recovered (including all insurance coverage available) for investors following successful trial and appeal against directors' and officers' insurance carrier who attempted to disclaim coverage.

*In re Bristol-Myers Squibb Securities Litigation*, 92-CIV-4007 (JES) (S.D.N.Y.), federal securities class action resulting in recovery of over \$19 million in cash for investors.

*Steiner v. Ideal Basic Industries, Inc.*, No. 86-M-456 (D. Colo.), federal securities class action against the former *Fortune 500* cement manufacturer resulting in an over \$17.5 million recovery in cash for investors.

*In re Broadwing Securities Litigation*, No. C-1-02-795 (S.D. Ohio), federal securities class action against major public utility/broadband company resulting in a recovery of over \$35 million in cash for investors.

*Berger v. Compaq Computer Corporation*, No. 00-20875 (S.D. Tex.), a federal securities class action where, after a successful appeal of a question of first impression in the federal appellate courts relating to the selection of lead plaintiffs and class certification in the Fifth Circuit under the Private Securities Law Reform Act of 1995, over \$29 million was recovered for investors.

*In re Bausch & Lomb Securities Litigation*, No. 01-CV-6190 (CJS) (W.D.N.Y.), federal securities class action resulting in a recovery of over \$ 12.5 million for investors.

*Slone v. Fifth Third Bancorp et al.*, No.1-03-CV-211 (S.D. Ohio), securities fraud action against one of the largest mid-west bank holding companies, resulting in a recovery of \$17 million for investors.

*Poziak v. Imperial Chemical Industries, PLC, et al.*, No. 1:03 cv 2457(NRB)(S.D.N.Y.), securities fraud action against one of the United Kingdom's largest public corporations, resulting in a recovery of approximately 90% of recoverable damages in cash for investors.

*J.E. Pierce Apothecary, Inc. v. Harvard-Pilgrim Health Care, Inc., et al*, No. 98-12635-WGY (D. Mass.), unfair and deceptive trade practices action on behalf of independent Massachusetts pharmacies against Harvard Pilgrim HMO and CVS Pharmacies, Inc. resulting, after bench trial, in excess of 100% of estimated recoverable damages for the class, including trebling.

The foregoing sampling of results is the product of the depth and breadth of the professional experience of attorneys at Brower Piven. The firm's attorneys include:

#### **DAVID A.P. BROWER**

Mr. Brower has over 25 years of complex litigation experience. Mr. Brower has successfully represented plaintiffs in class action securities, consumer protection, environmental, antitrust and RICO actions, and representative shareholder derivative and take-over litigation. Mr. Brower, a member of the Bar of the State of New York, is also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eleventh Circuits, and innumerable federal and state trial courts. Mr. Brower has participated in the prosecution as lead or co-lead counsel in successful federal securities law class actions against, among others: Imperial Chemical Industries, Fifth Third Bancorp, Southmark Corp., Ideal Basic Industries, Bristol-Myers Squibb, Tower Semiconductor, Gibson Greetings, Arakis Energy Corp., Scoreboard, Coastal Healthcare, Everest & Jennings International, B.T. Office Products, Profit Recovery, Enstar Corp., Jenifer Convertibles, Warner Communications, Sambo's Restaurants, Sunrise Savings & Loan, Phillip Morris Companies, Bausch & Lomb, Nanophase Technologies, Ramada Inns, Michael Stores, Inc., Consumers Power Co., Broadwing/Cincinnati Bell, Compaq Computer Corp., and Computer Associates. Mr. Brower has also participated in the prosecution as lead or co-lead counsel in merger litigation on behalf of, among others, public shareholders of Sheller Globe Corp., Petro-Lewis Corp., Floating Point Systems, Holnam Corp., Wometco Enterprises, Inc., Great Bay Casinos Corp., Home Shopping Networks, MCA, Holly Sugar Co., and ARM Financial Group; and shareholder derivative actions on behalf of shareholders of Banner Industries, Marsh & McLennan Companies, and Merrill Lynch, Pierce, Fenner & Smith.

Since 2004, Mr. Brower has been one of the lead attorneys with day-to-day responsibility for the prosecution of the securities fraud claims in *In re Merck & Co, Securities, Derivative & ERISA Litigation*, MDL No. 1658, No. 2:05-CV-02367 (D. N.J.), an action where the damages to class member are estimated to be among the largest in the history of federal securities class litigation. Additionally, while at his former firm, Mr. Brower was one of the attorneys with primary responsibility for class certification issues, including successfully arguing the class certification motion before the trial court, in *In re Initial Public Offering Securities Litigation*, 21 MC 92 (S.D.N.Y.), among the largest securities litigations ever prosecuted, encompassing approximately 309 consolidated class action cases alleging market manipulation claims in connection with the initial public offering of securities by over 55 defendant underwriters. Mr. Brower also served as liaison counsel in *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (S.D.N.Y.), which resulted in a recovery of over \$75 million for Sotheby's investors.

Mr. Brower has also served as lead or co-lead counsel in consumer fraud actions against Aventis CropScience, Compaq Computer Corporation, Jefferson-Pilot Life Insurance Company, Sprint PCS Wireless, Metropolitan Life Insurance, Harvard Pilgrim Healthcare, and CVS Corporation. In the antitrust field, Mr. Brower acted as lead counsel in litigation against Monsanto Company, E. I. du Pont de Nemours and Company and Pioneer Hybrid International, Inc. (No. 4:05-CV-01108-ERW (E.D. Mo.)), on behalf of genetically modified seed purchasers, and has participated in the *In re Initial Public Offering Antitrust Litigation*, No. 01 CIV 2014 (WHP) (S.D.N.Y.),

In the area of environmental law, Mr. Brower has served as one of the lead attorneys in pollution actions on behalf of Oklahoma landowners against chicken producers, including Tyson Foods, Inc.; and counsel for Missouri landowners in pork producer nuisance actions against Contigroup Companies, Inc. (formerly Continental Grain) and Premium Standard Farms, which recently resulted in verdicts in favor of neighboring farmers.

Before joining Brower Piven, Mr. Brower also has represented a nationwide class of hospitals in RICO litigation against Tenet Healthcare Corporation based on claims that its conduct caused class member hospitals to receive reduced "Outlier" reimbursements from Medicare.

Mr. Brower has also represented: directors and officers of public companies in securities class actions, including the directors of Heritage Hospitals; represented a former multi-state hospital developer; advised boards of directors of public companies regarding their fiduciary responsibilities; provided opinions as special counsel under Delaware law to public companies, including MGM/UA; represented insurance and reinsurance companies in coverage litigation, including matters involving Johns Manville, PepsiCo and Hilton Hotels; represented commodities dealers and brokers in connection with Commodities Futures Trading Commission reparations actions; represented foreign corporations in United States litigation, including one of Japan's largest electronics, international hotel and resort companies in litigation against its American counsel and financial advisors; represented a Brazilian trust holding claims for one of Brazil's largest telecommunications companies; and defended a large, Florida-based, national mortgage brokerage company, Foundation Funding, in class action litigation brought under the Truth In Lending Act.

Mr. Brower, is a graduate of Columbia College of Columbia University (A.B. 1979), and the Georgetown University Law Center (J.D. 1982), and he attended King's College, University of London (1980), where he studied comparative, international, and EC transactional law. Mr. Brower regularly lectures before professional organizations and at CLE-accredited conferences on the class action procedures and securities laws and shareholder and investor rights, including the American Law Institute/American Bar Association Advanced Course of Study Program, the Practicing Law Institute, and the New York State Bar Association. Mr. Brower regularly writes on class action procedures and new issues in class action jurisprudence. Mr. Brower is a long-time member of the New York State Bar Association Subcommittee on Class Actions, has participated as a member of the Executive Committee of the National Association of Securities and Consumer Law Attorneys, and actively participated in legislative initiatives relating to the Private Securities Litigation Reform Act of 1995 and the Class Action Fairness Act of 2005.

#### **CHARLES J. PIVEN**

Mr. Piven is a seasoned litigator who has led his own practice since 1990. During his 29 years in practice, Mr. Piven has represented individuals, partnerships, trusts, pension plans and corporations in many types of cases. Mr. Piven's experience includes litigation in the areas of complex securities, shareholder, consumer protection, personal injury and property damage class actions, merger and acquisition class actions, bankruptcy, first amendment, copyright, employment, wrongful death, and legal, medical, accounting and broker malpractice.

Class and representative actions in which Mr. Piven has served as lead, co-lead, liaison or local counsel include, among others, Baltimore Bancorp securities litigation, USFG securities litigation, Yorkridge Calvert Savings & Loan securities litigation, Maryland National Bank securities litigation, Reckson Associates Realty Company derivative litigation, Read-Rite Corporation securities litigation, Mid-Atlantic Realty shareholder merger litigation, Pan Pacific Realty shareholder merger litigation, Allied Irish Banks derivative litigation, Sprint Spectrum Cellular Telecommunications Company consumer litigation, IWIF Wiretap consumer litigation, Land Rover Group Ltd. consumer litigation, Cellular One consumer litigation, H&R Block Refund Anticipation Loan consumer litigation, Prison Telephone consumer litigation, and BlueCross/Blue Shield consumer litigation.

In recent years, Mr. Piven has taken an active role in the prosecution of litigation relating to allegations that mutual fund investors have been victimized by directed brokerage arrangements, excessive fees, excessive commissions and deceptive sales practices or other actionable conduct. Some of the mutual fund families and brokerage firms involved in these cases that Mr. Piven has been responsible for originating include: Lord Abbott, AIM/Invesco, BlackRock, Davis, Eaton Vance, Dreyfus, Evergreen, Federated, Alliance, Franklin, Hartford, MFS, PIMCO, Scudder, Columbia, Goldman Sachs, Merrill Lynch, Morgan Stanley, Salomon Smith Barney, Edward Jones, UBS, Wells Fargo and American Express. Investors in mutual fund cases initiated or led by Mr. Piven's clients have achieved a proposed settlement with mutual fund marketer Edward Jones for over \$125,000,000 and approved settlements with American Express for approximately \$100,000,000 and with Merrill Lynch for approximately \$39,000,000.

Mr. Piven also directly represents the lead plaintiff(s) and/or proposed class representative(s) in approximately 25% of the 309 cases encompassed by the Initial Public Offering Securities Litigation pending in the Southern District of New York, and Mr. Piven and the firm have taken an active role in the discovery in this litigation.

Mr. Piven also has experience in the field of ERISA class actions on behalf of former and current company employees. ERISA cases in which Mr. Piven is or has been counsel for named plaintiffs include: Aquila ERISA litigation (W.D. Mo.); General Motors ERISA litigation (E.D. Mich.); ConAgra Foods ERISA litigation (D. Neb.); the Coca-Cola Enterprises ERISA litigation (N.D. Ga.); Fannie Mae ERISA litigation (D. D.C.); Delphi ERISA litigation (E.D. Mich.); Ford Motor Company ERISA litigation (E.D. Mich.) and the Pfizer ERISA litigation (S.D.N.Y.).

Mr. Piven is a 1975 graduate of Washington University and a 1978 graduate of the University of Miami School Of Law. During law school, Mr. Piven was a student law clerk for the late Honorable United States District Judge C. Clyde Adkins of the Southern District of Florida. Mr. Piven was admitted to the bars of the States of Florida (currently inactive) and Maryland in 1978. Mr. Piven is a member in good standing of the Court of Appeals of Maryland, the United States Court of Federal Claims, the United States Tax Court, the United States District Court for the Districts of Maryland and Colorado, and the United States Courts of Appeals for the First and Fourth Circuits.

#### **RICHARD KELLY**

Mr. Kelly, who is Of Counsel to the firm, has over twenty years of litigation and arbitration experience and has successfully represented parties in cases involving securities fraud; employment, sex and age discrimination; and general commercial, contract and tort law. Mr. Kelly, a member of the Bar of the State of New York, is admitted to practice in the United States Supreme Court, the United States Courts of Appeals for the Second, Third and District of Columbia Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

Mr. Kelly is a graduate of Columbia College of Columbia University (A.B.) and Brooklyn Law School (J.D.), where he was the Notes Editor of the Brooklyn Law Review and a member of the Moot Court Honor Society. He also attended Reid Hall, Paris, France.

Prior to joining Brower Piven, Mr. Kelly served as an in-house counsel at Merrill Lynch & Co. (conducted 45 securities arbitrations and 65 employment mediations); Merrill Lynch Canada Inc. (Acting Litigation Director); Oppenheimer & Co. Inc./CIBC Oppenheimer Corp.; Kidder, Peabody & Co. Incorporated; and was an associate at Baer Marks & Upham.

He is the author of *Antitrust: The Second Circuit Sees Double In Construing Tying Arrangements*, 49 Brooklyn Law Review 713 (1983) and co-author of "Absolute Immunity for Statements to SROs," NYLJ (8/19/91), 1, col. 1. In 1988, he was named Finalist, Trial Lawyer of the Year Award, Trial Lawyers for Public Justice regarding *Barrett v. United States*, 660 F. Supp. 1291 (S.D.N.Y. 1987).

**YELENA TREPETIN**

Yelena Trepelin is a graduate of Tulane University Law School. While at Tulane, Ms. Trepelin was the Senior Managing Editor of the Tulane Journal of International and Comparative Law. She also served as a student attorney for the Domestic Violence Clinic. In the fall of 2005, Ms. Trepelin attended Duke University School of Law where she was a visiting Staff Editor of the Duke Journal of Comparative and International Law. Ms. Trepelin graduated magna cum laude from Brandeis University. Ms. Trepelin also studied for a year at the London School of Economics and Political Science. Ms. Trepelin's legal work experience includes clerking at the Maryland Office of the Public Defender for Baltimore County and interning for the Honorable J. Norris Byrnes and the Honorable Lawrence R. Daniels in the Circuit Courts of Baltimore County. Ms. Trepelin is admitted to practice in the State of Maryland, and she is a member of the Baltimore County Bar Association and the Bar Association of the District of Columbia.

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